

## (B) APPEAL BY PERSON AGGRIEVED.

ANY PERSON WHO FEELS AGGRIEVED BY A JUDGMENT UNDER THE PROVISIONS OF THIS SECTION, MAY APPEAL ON GIVING NOTICE WITHIN TEN DAYS AFTER THE JUDGMENT IS GIVEN. IF THE APPELLANT IS THE GRANTOR, THE NOTICE OF APPEAL SHALL BE ACCOMPANIED BY AN AFFIDAVIT, THAT AN APPEAL IS NOT TAKEN FOR DELAY, AND BY A BOND. THE BOND SHALL BE CONDITIONED THAT HE WILL PROSECUTE THE APPEAL WITH EFFECT, AND WILL PAY ALL COSTS IN THE CASE BEFORE THE DISTRICT COURT AND APPELLATE COURT IF JUDGMENT IS IN FAVOR OF THE GRANTEE, AND ALL LOSS OR DAMAGE WHICH THE GRANTEE SUFFERS BY REASON OF THE GRANTOR'S REMAINING IN POSSESSION. THE BOND ALSO SHALL PROVIDE THAT THE GRANTOR MAY RETAIN POSSESSION OF THE PREMISES UNTIL THE DETERMINATION OF THE APPEAL.

REVISOR'S NOTE: This section presently appears as Art. 21, §14-109 of the Code. New language is added in subsection (b) to clarify that the grantor must pay court costs only if the judgment is in favor of the grantee. The only other changes are in style.

14-110. SALE, LEASE, OR MORTGAGE OF PROPERTY SUBJECT TO REMAINDER OR VESTED OR CONTINGENT INTEREST; VIRTUAL REPRESENTATION.

(A) COURT TO DECREE SALE, LEASE, OR MORTGAGE.

IF ANY PERSON ENTITLED TO AN ESTATE FOR LIFE OR YEARS OR TO AN ESTATE TAIL, FEE SIMPLE, CONDITIONAL, BASE OR QUALIFIED FEE, OR ANY OTHER PARTICULAR, LIMITED, OR CONDITIONAL ESTATE IN PROPERTY, AND ANY OTHER PERSON IS ENTITLED TO A VESTED OR CONTINGENT REMAINDER, EXECUTORY DEVISE, OR ANY OTHER VESTED OR CONTINGENT INTEREST IN THE SAME PROPERTY, ON APPLICATION OF ANY OF THE PARTIES IN INTEREST AND IF ALL PARTIES IN BEING ARE PARTIES TO THE PROCEEDING, A COURT OF EQUITY MAY DECREE A SALE, LEASE, OR MORTGAGE IF IT APPEARS TO BE ADVANTAGEOUS TO THE PARTIES CONCERNED. THE COURT SHALL DIRECT THE INVESTMENT OF THE PROCEEDS OF THE SALE, MORTGAGE, OR LIMITATIONS OF THE REVERSION AND RENT AS THE CASE MAY BE, SO THESE INURE TO THE USE OF THE SAME PARTIES WHO WOULD BE ENTITLED TO IT IF THE PROPERTY IS SOLD, LEASED, OR MORTGAGED.

## (B) VIRTUAL REPRESENTATION.

IF EVERY PERSON WHO WOULD BE ENTITLED TO THE PROPERTY IF THE CONTINGENCY HAPPENED AT THE DATE OF THE DECREE IS A PARTY, THE DECREE BINDS EVERY PERSON WHETHER HE IS IN BEING OR NOT, WHO CLAIMS OR MAY CLAIM ANY INTEREST IN THE PROPERTY UNDER ANY PARTY TO THE DECREE, UNDER ANY PERSON FROM WHOM ANY PARTY TO THE DECREE